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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,176	01/19/2006	Herbert Vogt	M 5339 HO	9143
26387 7590 12/09/2009 W. NORMAN ROTH 523 W. 6TH STREET SUITE 707 LOS ANGELES, CA 90014				
EXAMINER RASHID, MAHBUBUR				
ART UNIT 3657		PAPER NUMBER		
MAIL DATE 12/09/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,176

Applicant(s)

VOGT ET AL.

Examiner

MAHBUBUR RASHID

Art Unit

3657

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-30 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-20, 22-28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claims 1-13 are canceled.

Claims 14-30 are newly added.

Election/Restrictions

Claims 21 and 29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected fig. 9 (species D), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 02/10/2009.

Double Patenting

Claims 27 is objected to under 37 CFR 1.75 as being a substantial duplicate of **claim 26**. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14-20, 22-28, and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The axially spaced engagement surfaces of output coupling are not disclosed in the specification or shown in the drawings with reference numbers.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14-20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim language is not clear and confusing to understand what is positively recited in the claim. For example, "A combination coupling and brake assembly having for transmitting rotary power from a motor to a rotary driven shaft and for braking said driven shaft" in line 1, is not clear. Furthermore, it has been held that the recitation "for" with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

Claims 22 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim element "means for detecting axial position of said armature disc" is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. The applicant discloses energized and non-energized condition of the magnetic coil or solenoid to axially move the armature disc [0028], but does not disclose the means detecting axial position of the armature disc.

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant is required to clarify the record by either:

(a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function

and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or

(b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

Claims 23-28 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim language is not clear and confusing to understand what is positively recited in the claim. For example, "A combination coupling and brake assembly having for transmitting rotary power from a motor to a rotary driven shaft and for braking said driven shaft" in line 1, is not clear. Furthermore, it has been held that the recitation "for" with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

In line 11, "may be" is not clear if the shafts are or are not closely spaced from each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14-19, 22-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin et al. (US 6,315,088 B1) in view of Voges (US 2,943,464) and/or Baer (US 3,831,724).

Regarding **claims 14, 18, 23 and 24**, Gustin discloses a combination coupling and brake assembly comprising:

- a housing (fig. 1);
- a rotary power coupling (176) in the housing;
- a brake rotor (48) in the housing connected to the output coupling (fig. 3);

a spring (36 and 38) biased armature disc (28 and 30) in the housing engageable with the rotor (fig. 2; (48, 146);and

the coupling including a clamp ring (52) having a diameter sufficiently small to be received in an input shaft opening in the housing (fig. 2).

Gustin discloses a single coupling that connects the driving shaft and the driven shaft, but fails to disclose an input coupling and an output coupling being axially aligned with and elastically connected to each other as claimed. However, each of Voges and Baer discloses similar coupling unit including an input and an output couplings (see figs. 1-2 of Baer and figs. 1-4 of Voges) being axially aligned with and elastically connected (see 33 of Baer and 21 of Voges). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the coupling of Gustin into separate couplings and connecting them with such resilient member as taught by either Voges and Baer is an engineering design choice while minimizing vibration and shock and further withstand axial as well as radial forces and which will permit thrust axially from one coupled shaft to the other (see col. 1, lines 56-70 of Voges).

Re-claims 15 and 25, see clamp screw (180).

Re-claim 16, see a peripheral groove (52).

Re-claim 17, see a radial motion limiting surface of the housing (fig. 2; (90)).

Regarding **claims 19 and 26-27**, the modified system of Gustin discloses all claimed limitations as set forth above but fails to disclose a tensioning ring and screws of the output coupling. However, Baer discloses a similar coupling unit including a ring

(49) and screw (50) of the output coupling (35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such ring and screw as taught by Baer in the modified system of Gustin in order to enable release of the clutch upon the occurrence of overloads of different magnitudes by adjusting the ring and thus making the system more efficient (see col. 4, lines 3-21).

Re-claims 22 and 30, see means for detecting axial position of said armature disc and providing a signal to indicate whether the brake is in engaged or in disengaged condition (see col. 4, line 66 to col. 5, line 59).

Claims 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustin et al. (US 6,315,088 B1) in view of Voges (US 2,943,464) and/or Baer (US 3,831,724) as applied to claims 14-19, 22-26 and 30 above, and further in view of Handke (US 4,488,626).

Regarding **claims 20 and 28**, the modified system of Gustin discloses all claimed limitations as set forth above but fails to disclose an annular seal. However, Handke discloses a similar system having a seal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a seal as taught by Handke in system of Gustin in order to prevent any fluid from leaking out of the system while also preventing any foreign object entering the system.

Response to Arguments

Applicant's arguments with respect to claims 14-20, 22-28 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHBUBUR RASHID whose telephone number is (571)272-7218. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/
Primary Examiner, Art Unit 3657

/M. R./
Examiner, Art Unit 3657